

second tubular section which is integrally connected to the first tubular section. The Examiner further states that the outer tubular section has identification information integrally imprinted on the exterior surface to help in identifying the contents and other essential information concerning the sample. The Examiner notes that Hulon differs from the instantly claimed invention in that there is no disclosure of specular reflectance on the outer wall of the container or the identification information.

The Examiner states that Kavanaugh teaches a method of identifying a biological sample wherein a slide is provided having a unique identifier where the specular reflectance differ. The Examiner further states that Kavanaugh uses laser etching to provide the identifier and that light is detected and sensed by the container and information concerning the identification is associated with the container.

Applicants respectfully traverse the rejection and submit that Claims 1, 3, 4 and 32 of the present invention are unobvious over Hulon in view of Kavanaugh.

Applicants respectfully submit that the present invention is a method of identifying a biological sample associated with a plastic container, not a microscope slide or shipping container, comprising a unique identifier that has a greater specular reflectance than the outer wall surface of the container. Applicants respectfully submit that the unique identifier is used to identify a particular patient in a database whereby each patient is associated with a unique identifier as described in the specification at page 19, lines 12-23 and page 20, lines 13-25.

Applicants respectfully submit that Kavanaugh teaches marking slides with barcodes, but in a manner which leaves unspecified the design of the identifying information which comprises the barcode. Kavanaugh's teaching results in slides which are dependent in being created with patient information.

Applicants respectfully submit that the unique identifier of the present invention provides the ability of all organizations and their database systems to recognize a biological sample under a unique identifier and to allow the sample to cross institutional

boundaries without being re-coded such as when a conventional, locally generated identifier is used as in Kavanaugh.

Applicants respectfully submit that Hulon relates to packages and containers for the shipment of biological products. More particularly, Hulon relates to methods and apparatus for the packaging and shipment of materials contained in a fragile container. Hulon discloses at col. 5 lines 1-5 that identification information is available for identifying the brand of the shipping tube, the indication that it contains hazardous biological material and a warning not to reuse the shipping tube. Hulon does not disclose, teach or suggest the critical importance of the identification of biological samples as in the present invention. Hulon does not disclose, teach or suggest that there is a problem associated with the patient identification of a sample or that there is no universal identification arrangement or scheme for identifying a patient's sample. Hulon also does not disclose, teach or suggest a unique identifier to be associated with each shipping container so that a patient can then be associated with the unique identifier other than by name or social security number.

Applicants respectfully submit that Kavanaugh teaches a microscope slide having a glass plate, a marking surface coating on an area of the glass plate and indicia formed by etching away portions of the marking surface coating. In particular, Kavanaugh discloses at col. 5, lines 62-65 and col. 6, lines 4-8 and lines 20-24 that the laser etched information is obtained from data inputted by the operator. Kavanaugh does not disclose, teach or suggest that a unique identifier be generated and then assigned to a patient. Kavanaugh does not disclose, teach or suggest an efficient and universal method for generating a unique identifier to be assigned to a patient. Instead, Kavanaugh discloses a means for specifically providing patient information on a microscope slide, the exact opposite of the present invention.

Applicants respectfully submit that Hulon in view of Kavanaugh presents the opposite of the present invention. Furthermore, the use of Kavanaugh's information on Hulon's shipping container would not provide information about the patient because

Hulon does not teach or suggest that patient information is found or desirable on the shipping container.

Applicants respectfully submit that the documents cited would not have suggested the present invention to one skilled in the art and therefore a prima facie obviousness rejection has not been made.

Reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

Allowance of the Claims is courteously urged.

Respectfully submitted,

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